

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TRAVIS VAN HOOSEN,

3:09-CV-6314-AC

Plaintiff,

O R D E R

v.

MICHAEL J. ASTRUE,
Commissioner of
Social Security Administration,

Defendant.

MARSH, Judge.

Magistrate Judge John V. Acosta filed his Findings and Recommendation on July 8, 2011. The matter is now before me. See 28 U.S.C. §636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-75 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Acosta's Findings and Recommendation #23. The Commissioner's motion for remand (docket #20) is DENIED. The Commissioner's decision is REVERSED and REMANDED, pursuant to sentence four of 42 U.S.C. § 405(g) for calculation and award of benefits.

IT IS SO ORDERED.

DATED this 1 Day of August, 2011.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge